

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEXINGTON INSURANCE COMPANY; and  
PORT OF BELLINGHAM,

Plaintiffs,

V.

ROBERT J. LANGEI, as Personal Representative of the Estate of Jim (James) A. Langei; and LORA MOREN, as Personal Representative of the Estate of Sterling Taylor,

C12-946 TSZ

## Defendants,

V.

DUTRA CONSTRUCTION CO., INC.; and  
ELITE ELECTRICAL CONTRACTORS INC.,

## Third-Party Defendants.

In re DAVID L. PETERSON; DAVID D. CAHALAN, et al.; ROGER G. SMITH, et al.; RANDLE CARR; DANIEL RINGLER; STEVEN ERSHIG; WILLIAM DODGE, et al.; MICHAEL F. ROBERTS, et al.; ALLAN S. TROUPIN; KRIS AAMOT as Personal Representative of the Estate of Allyn C. Deets; and ROGER SCHJELDERUP, et al.

C12-1829 TSZ

## MINUTE ORDER

Having heard the oral arguments of counsel at a hearing held on February 9, 2016, at which (i) the Port of Bellingham (the “Port”) was represented by Frank Chmelik, Seth Woolson, Katie Matison, Katie Fairchild, Travis Kennedy, and Robert Fix, (ii) Elite

1 Electrical Contractors Inc. ("Elite") was represented by Suzanne Michael, and (iii) the  
2 Estates of Jim Langei and Sterling Taylor, the Personal Representative of which are  
3 Robert Langei and Lora Moren, respectively (the "Estates"), were represented by Emma  
4 Gillespie, Mark Wilkerson, and Eric Gillett, the Court enters the following Minute Order:  
5

6 (1) The Port's motion for spoliation remedies, docket no. 205, and Elite's  
7 joinder in the Port's motion, docket no. 221, are DENIED in part as to the remedy of  
8 dismissal of the wrongful death claim brought by the Langei Estate, and DEFERRED in  
9 part as to alternative sanctions.

10 (2) The Estates' motion for spoliation remedies, docket no. 232, is DENIED.  
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12 (3) The Court will issue a separate order explaining its reasoning.  
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14 (4) The Clerk is DIRECTED to send a copy of this Minute Order to all counsel  
15 of record.  
16

17 Dated this 11th day of February, 2016.  
18

19 William M. McCool  
20 Clerk  
21

22 s/Karen Dews  
23 Deputy Clerk  
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